

#### PRESENT:

Dr. Edgar Wallin, Chairman

Mr. Gib Sloan, Vice-Chairman

Ms. Gloria Freye

Mr. Michael Jackson

Mr. Peppy Jones

Mr. Mike Tompkins, Secretary to the Commission,

Assistant Planning Director

#### ALSO PRESENT:

Mr. Rob Robinson, Senior Assistant County Attorney,

County Attorney's Office

Ms. Tara McGee, Senior Assistant County Attorney,

County Attorney's Office

Ms. Bonnie Perdue, Planning Operations Administrator

Planning Department

Ms. Jane Peterson, Planning Manager,

Planning Department

Ms. Darla Orr, Planning and Special Projects Manager,

Planning Department

Mr. Ryan Ramsey, Planning Special Projects Manager,

Planning Department

Mr. Jesse Smith, Director,

Transportation Department

Mr. Steven Adams, Senior Civil Engineer

Transportation Department

Mr. Mike Nannery, Assistant Director

Utilities

Mr. Scott Smedley, Director,

**Environmental Engineering Department** 

Mr. Scott Dunn. Assistant Director

Environmental Engineering Department

Mr. Dave Wolverton, Microcomputer Analyst

Information Systems Technology Department

Deputy Fire Marshall Anthony Batten, Fire and Life Safety,

Fire and EMS Department

Mr. Ray Cash, Zoning Administrator

Planning Department

Dr. David Pritchard, Special Projects
County Administration
Mr. Carl Schlaudt, Revitalization Manager,
County Administration

#### ASSEMBLY AND WORK SESSION.

Commissioners Wallin, Sloan, Freye, Jackson and Jones and staff assembled at 3:00 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

#### I. CALL TO ORDER.

Dr. Wallin called the meeting to order.

II. CLOSED SESSION PURSUANT TO THE VIRGINIA FREEDOM OF INFORMATION ACT SECTION 2.2-2711(A) (7), CODE OF VIRGINIA, 1950, AS AMENDED: CONSULTATION WITH LEGAL COUNSEL TO DESCUSS LEGAL MATTERS REGARDING RECENT PROFFER LEGISLATION.

On motion of Mr. Sloan, seconded by Ms. Freye, the Commission agreed to go into a closed session pursuant to section 2.2-2711 (A) (7), <u>Code of Virginia</u>, 1950, as amended, for discussion and consideration of legal matters regarding recent proffer legislation.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

#### **RECONVENING:**

On motion of Mr. Sloan, seconded by Ms. Freye, the Planning Commission adopted the following resolution:

WHEREAS, the Planning Commission has this day adjourned into Closed Session in accordance with a formal vote of the Commission and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act effective July 1, 1989 provides for certification that such Closed Session was conducted in conformity with law.

NOW, THEREFORE BE IT RESOLVED, the Planning Commission does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in Close Session to which this certification applies, and ii) only such business matters were identified in the motion by which the Closed Session was convened were heard, discussed or considered by the Commission. No member dissents from this certification.

Dr. Wallin: Aye.
Mr. Sloan: Aye.
Ms. Freye: Aye.
Mr. Jackson: Aye.
Mr. Jones: Aye.

## III. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATIONS

There were no changes in the order of presentation.

#### IV. REVIEW UPCOMING AGENDA.

Ms. Peterson stated the May meeting has 12 cases, June has 18 cases and July has 4 cases.

#### V. REVIEW DAY'S AGENDA.

Ms. Peterson reviewed the eleven (11) zoning cases.

#### VI. REVIEW WORK PROGRAM.

There were no questions about the work program.

#### VII. REVIEW PLANNING COMMISSION FOLLOW-UP ITEMS.

There were no questions about the follow-up items list.

#### VIII. DISCUSSION OF BON AIR ZONING ORDINANCE AMENDMENT (15PJ0114). 🗈

Mr. Cash presented a brief overview and requested the Commission set a public hearing.

On motion of Mr. Sloan, seconded by Mr. Jackson, the Commission resolved to set May 17, 2016 for a public hearing.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

# IX. <u>DISCUSSION OF PRIVATE INDIVIDUAL ONSITE WATER AND SEWAGE SYSTEMS (WELLS, SEPTIC TANKS AND ALTERNATIVE ONSITE SEWAGE SYSTEMS) CODE AMENDMENT</u> (16PJ0119).

Mr. Cash presented a brief overview and requested the Commission set a public hearing and public meeting.

In response to a question from Mr. Sloan relative to density in the southwest are of the county, Mr. Cash indicated that the Comprehensive Plan recommends 0.5 units per acre and this Ordinance does not change that recommended density.

On motion of Mr. Sloan, seconded by Mr. Jackson, the Commission resolved to set May 17, 2016 for a public hearing on Chapter 17 and public input on Chapter 12.

# X. <u>COMMISSION INITIATION OF AN APPLICANTION FOR A CONDITIONAL USE PLANNED DEVELOPMENT (CUPD) IN A RESIDENTIAL (R-7) DISTRICT TO PERMIT A COMPUTER CONTROLLED VARIABLE MESSAGE ELECTRONIC SIGN (EMC) AT TOMAHAWK MIDDLE SCHOOL (16PJ0125).</u>

Ms. Freye stated this project is in the Clover Hill District and would ask the Commission to initiate an application for a CUPD for an EMC on the Tomahawk Middle School campus. Ms. Freye requested Mr. Kirk Turner serve as the agent for this request and to waive the disclosure.

On motion of Mr. Sloan and seconded by Dr. Wallin, the Commission recommended approval for a Conditional Use Planned Development to permit a computer controlled variable message electronic sign at Tomahawk Middle School and have Mr. Turner serve as the agent.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

#### XI. SET SPECIAL MEETING DATES FOR APRIL 21, 2016 AND MAY 9, 2016.

The Commission agreed to meet on the following dates, times and locations for a special meeting and a field trip:

- Residential Quality Meeting / April 21, 2016/ 9:00 a.m. 12:00 p.m. / Community Development Building/ Multi-Purpose Room / First Floor.
- Planning Commission Field Trip/ May 9, 2016 / 1:00 5:00 p.m. / Meet at the Rotunda in the Community Development Building/ First Floor.

On motion of Mr. Sloan and seconded by Mr. Jackson, the Commission agreed to approve the dates, times and locations for the meetings as stated above.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

Dr. Wallin asked for a moment of silence to pay respect to Mr. Kirk Turner and his family as Mr. Turner's father recently passed away.

#### XII. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 4:38 p.m., agreeing to meet in the Executive Meeting Room at 5:00 p.m., for dinner; and to reconvene in the Public Meeting Room at 6:00 p.m. for the public hearing.

#### 5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

#### 6:00 P.M. PUBLIC HEARING.

#### I. CALL TO ORDER.

Dr. Wallin called the session to order.

#### II. INVOCATION.

Mr. Jackson presented the invocation.

#### III. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

The Commission led in the Pledge of Allegiance to the Flag.

#### IV. REVIEW UPCOMING AGENDAS.

Mr. Mike Tompkins apprised the Commission of the caseload agendas for May, June and July.

#### V. APPROVAL OF THE PLANNING COMMISSION MINUTES.

• February 16, 2016

On motion of Mr. Sloan, seconded by Mr. Jones, the Commission resolved to approve the February 16, 2016 Planning Commission minutes.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

## VI. <u>REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE</u> ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

#### VII. REVIEW MEETING PROCEDURES.

Mr. Mike Tompkins reviewed the meeting procedures.

# VIII. <u>CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.</u>

There were no citizens' comments on unscheduled matters.

#### IX. PUBLIC HEARING.

- <u>DEFERRAL REQUEST BY APPLICANT CONDITIONAL USE PLANNED</u>
  DEVELOPMENT
- E. <a href="16SN0677">16SN0677</a>: In Midlothian Magisterial District, Anieta M. Minor and John F. Minor request conditional use to permit recreational equipment parking and storage and amendment of zoning district map in a Residential (R-40) District on 4.2 acres known as 12000 Middlewood Terrace. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Low Density Residential use (maximum of 1.0 dwelling per acre). Tax ID 737-719-9825.

Mr. Mike Tompkins acknowledged withdrawal of the case by the applicant on March 30, 2016

### • <u>DEFERRAL REQUEST BY APPLICANT - CONDITIONAL USE PLANNED</u> DEVELOPMENT.

**16SN0684:** In Dale Magisterial District, **Terraforge Ventures LLC** requests amendment of conditional use planned development (Case 05SN0219) relative to the reduction of cash proffers and modifications to open space and recreational areas and amendment of zoning district map in a Residential (R-12) District on 166.3 acres located along the east line of Conifer Road, and the east and west lines of Silver Mist Avenue. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax IDs 784-675-1052, 7571, 7664, 7678, 7756, 7786, 7952, 7993, and 8299; 784-676-3731, 4223, 4640, 4783, 4954, 5172, 5220, 5382, 5440, 5652, 5922, 6039, 6098, 6268, 6350, 6620, 6637, 6949, 6966, 7319, 7336, 7547, 7665, 7917, 7934, 8246, 8363, 8533, 8606, 8616, 8844, 8961, 9231, 9314, 9443, 9660, and 9830; 784-677-4902; 785-675-1969, 2385, 2488, 2490, 2592, 2669, 2696, 2799, 2863, 2976, 3080, 3163, 3463, 3771, and 3975; 785-676-0141, 2700, 2803, 2806, 2890, 2909, 2911, 3014, 3117, 3220, 3222, 3324, and 3327; 785-677-2754, 3100, 3236, 3310, 3418, 3527, 3658, & 4240; and 786-675-0497.

Mr. Jack Wilson, the applicant's representative, requested a sixty (60) day deferral to the June 21, 2016 Planning Commission meeting.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

In response to a question from Mr. Jackson relative to when the case was filed and the lack of contact from the applicant, Mr. Wilson replied the case was filed in January; a component of the case deals with the cash proffer; and the applicant is waiting on direction from the Board relative to Cash Proffer Policy. The delay in communications stemmed from the case not being ready to move forward.

In response to a question from Mr. Jackson, Ms. Peterson confirmed initiation of the application process is through the pre-application conference.

Mr. Jackson advised that he would expect earlier communication with applicants on pending cases in the future.

On motion of Mr. Jackson, seconded by Mr. Sloan, the Commission resolved to defer Case 16SN0684 to the June 21, 2016 public hearing at the applicant's request.

#### • <u>DEFFERAL REQUESTS BY INDIVIDUAL PLANNING COMMISSIONER – REZONING</u> AND CONDITIONAL USE PLANNED DEVELOPMENT.

C. <a href="15SN0656">15SN0656</a>\*\*: In Midlothian Magisterial District, Marc Greenberg and Midlothian Land Partnership, LLC request rezoning from Community Business (C-3) to Community Business (C-3) with conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 25.4 acres fronting 1450 feet on the north line of Midlothian Turnpike, 330 feet west of Winterfield Road; also fronting 230 feet on the west line of Winterfield Road, 315 feet north of Midlothian Turnpike. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Commercial District and Planned Transition Area uses. Tax IDs 724-709-1313, 2311, 2528, 4210, 5831, 6911, 9121; 725-709-1125, 2064 and 7635.

Ms. Jennifer Mullen, the applicant's representative, accepted deferral of Case 15SN0656 by the District Planning Commissioner for sixty (60) days to the regularly scheduled June 21, 2016 Planning Commission meeting.

Dr. Wallin opened the floor for public comment.

Ms. Amy Satterfield, president of the Village of Midlothian Volunteer Coalition, stated this case is not ready to move forward. She noted the applicant is moving forward with making changes that are appropriate for the Village.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Jones, seconded by Dr. Wallin, the Commission resolved to defer Case 15SN0656 with the applicant's consent, to the regularly scheduled June 21, 2016 Planning Commission public hearing.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

D. 16SN0581: In Clover Hill and Midlothian Magisterial Districts, Pocoshock Green Development, LLC requests rezoning from Residential Townhouse (R-TH) to Residential Townhouse (R-TH) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 33.5 acres located in the southeast and southwest corners of Pocoshock Boulevard and Elkhardt Road and along the east line of Pocoshock Boulevard, south of Elkhardt Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential use (2.51 to 4.0 dwelling units per acre). Tax ID 762-700-4422.

Ms. Jennifer Mullen, the applicant's representative, accepted deferral of Case 16SN0581 by the District Planning Commissioner for thirty (30) days to the regularly scheduled May 17, 2016 Planning Commission public hearing.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Jones, seconded by Ms. Freye, the Commission resolved to defer Case 16SN0581 with the applicant's consent, to the regularly scheduled May 17, 2016 Planning Commission public hearing.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

G. <a href="Models">16SN0685</a>: In Bermuda Magisterial District, Ironbridge Road Properties, LLC requests rezoning from Corporate Office (O-2) to Neighborhood Business (C-2) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 0.7 acre located at the southeast corner of Iron Bridge Road and West Booker Boulevard. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Office/Residential Mixed Use. Tax IDs 780-652-1685 and 2380.

Mr. Jack Wilson, the applicant's representative, accepted deferral of Case 16SN0685 by the District Planning Commissioner for thirty (30) days to the regularly scheduled May 17, 2016 Planning Commission public hearing.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Sloan, seconded by Dr. Wallin, the Commission resolved to defer Case 16SN0685 with the applicant's consent, to the regularly scheduled May 17, 2016 Planning Commission public hearing.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- CONSENT ITEMS REZONINGS, CONDITIONAL USE PLANNED DEVELOPMENTS AND CONDITIONAL USES.
- A. <a href="Mean-street">16SN0569\*</a>: (AMENDED) In Clover Hill Magisterial District, MHG Food Service INC., Gary A. Rose, WEN Virginia LLC, Nouhad Abou Attallah and Midlothian Parc, LLC request rezoning from General Businesss (C-5) to Community Business (C-3) and conditional use planned development to permit exceptions to ordinance requirements plus amendment of zoning district map on 1.2 acres located in the northwest corner of Hull Street Road and Suncrest Drive. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business use. Tax ID 747-685-5175.

Mr. Mark Baker, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Ms. Freye, seconded by Mr. Jackson, the Commission resolved to recommend approval of Case 16SN0569 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

The Owner-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successor or assigns, proffers that the development of the property (the "Property") will be developed as set forth below; however, in the event the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers shall be immediately null and void and of no further force or effect.

- 1. Master Plan. The Textual Statement dated March 7, 2016, and last revised March 25, 2016, and the site plan entitled "Rockwood Wendy's Layout Plan", prepared by Silvercore and dated September 23, 2015 (Exhibit A) shall be considered the Master Plan. (P)
- 2. Uses: Except for the uses listed below, which shall be prohibited, permitted uses shall be uses permitted by right, or with restrictions, in the Community Business (C-3) District:
  - a. Alternative Financial Institutions
  - b. Cocktail Lounges or Nightclubs
  - c. Coin Laundry
  - d. Commercial Kennels
  - e. Communication towers
  - f. Fraternal Uses
  - g. Feed, seed and ice sales
  - h. Funeral Home or Mortuary
  - i. Gasoline Sales
  - Halfway Houses
  - k. Home Centers
  - I. Hospitals

- m. Hotels
- Indoor or Outdoor Flea Markets
- o. Material reclamation and recycling centers
- p. Motor Vehicle Sales, Service, Repair and Rental, including Motor Vehicle Consignment lots
- q. Motor Vehicle Wash
- r. Outside Public Address systems
- Park and ride lots
- t. Tattoo Parlors
- u. Taxidermies
- v. Theaters, including drive-in
- w. Veterinary Hospital with outside runs (P)
- 3. Road Improvements. Prior to issuance of an occupancy permit, the following road improvements shall be completed:
  - a. Construction of a sidewalk along the north side of Hull Street Road (Route 360) and along the west side of Suncrest Drive for the entire property frontage.
  - b. Dedication to and for the benefit of Chesterfield County, free and unrestricted of any additional right of way or easements required for the improvements identified above. (T)

- B. <a href="16SN0680">16SN0680</a>\*\*\*: (AMENDED) In Dale Magisterial District, Ironbridge Baptist Church requests rezoning from Neighborhood Business (C-2) to General Industrial (I-2) and conditional use planned development to permit exceptions to ordinance requirements on 0.6 acres plus amendment of conditional use planned development (Case 02SN0213) on 10.5 acres relative to setbacks and amendment of zoning district map on an 11.1 acre tract located in the northwest corner of Landfill Drive and Iron Bridge Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business use. Tax IDs 773-656-2577; 773-657-Part of 4168-00001 and 5505.
  - Mr. Jack Wilson, the applicant's representative, accepted staff's recommendation.
  - Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Jackson, seconded by Ms. Freye, the Commission resolved to recommend approval of Case 16SN0680 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

The property owner and applicant in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors and assigns, proffer that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

The following proffered conditions are applicable to Tax ID 773-657-3272:

- 1. The Textual Statement dated April 11, 2016, shall be considered the Master Plan. (P)
- 2. Light Industrial (I-1) and General Industrial (I-2) uses shall be permitted on the property, excluding the following uses:
  - a. Boat sale and services, repair and rental;
  - b. Motor vehicle service stations:
  - c. Rectifying and blending liquors;
  - d. Wine, brandy and brandy spirits manufacturing; and
  - e. Tobacco products manufacturing. (P)
- 3. A thirty (30) foot setback shall be maintained along the northern property line. Within this setback, trees having a caliper of three (3) inches or greater shall be maintained except for those which are dead, diseased or dying. (P)
- 4. Uses allowed on the property shall be designed and operated so as not to generate noise levels above 65 dBa, as measured at the northern property line of the subject property. (P)

The following proffered condition applies to Tax IDs 773-657-5505 and 773-656-2577:

The Applicant hereby amends Proffered Condition 5 of Case 02SN0213 as follows. All other conditions of Case 02SN0213 shall remain in force and effect.

5. A thirty (30) foot setback shall be maintained along the northern property line. Within this setback, trees having a caliper of three (3) inches or greater shall be maintained except for those which are dead, diseased or dying. (P)

A. <a href="165N0687">16SN0687</a>\*\*\*: In Matoaca Magisterial District, **Powhatan Community Church** requests amendment of conditional use (Case 87SN0028) to permit a church use and amendment of zoning district map in an Agricultural (A) District on 4.6 acres known as 21401 Hull Street Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Rural Residential/Agricultural. Tax ID 686-664-5394.

Mr. Jerimy Ford, the applicant's representative, agreed with staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Wallin, seconded by Ms. Freye, the Commission resolved to recommend approval to Case 16SN0687 subject to the following condition:

#### CONDITION

In addition to the uses permitted by Condition 6 of Case 87SN0028, the following use shall also be permitted:

a. Church. (P)

(Staff Note: Except as amended herein, all previous conditions of zoning approved in Cases 87SN0028 and 95SN0198 shall remain in full force and effect.)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- I. <a href="Mars-Property">16SN0689</a>: In Bermuda Magisterial District, Icon Mars Property Owner Pool 2 LLC and Icon Mars Property Owner Pool 4 DC/VA LLC request amendment of conditional use planned development (Case 96SN0268) to permit outside storage and amendment of zoning district map in a Light Industrial (I-1) District on 22.2 acres located in the southwest quadrant of Meadowville Road and Kingston Avenue. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax IDs 818-654-1594, 5193 and 7468; 818-655-3604 and 5421; and 819-654-0582.
  - Mr. Scott Martin, the applicant's representative, agrees with staff's recommendation.
  - Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Sloan, seconded by Ms. Freye, the Commission resolved to recommend approval of Case 16SN0689 subject to the following conditions:

#### CONDITIONS

- 1. In addition to the uses permitted by the Textual Statement of Case 96SN0268, the following use shall also be permitted:
  - D. Use, Bulk Exceptions, Conditions and Standards of Development
    - 18. Outside storage, provided the following restrictions are meet:
      - a. Outside storage shall consist of single-unit box trucks and/or tractor trailer parking only.
      - b. Outside storage areas shall be restricted to the proposed parking area, generally as shown on Exhibit A.
      - c. Screening for outside storage areas shall meet Ordinance requirements. In addition, existing vegetation shall be retained between any outside storage area and the ultimate right of way (Meadowville Road and Kingston Avenue), to the maximum extent practical. (P)

(Staff Note: Except as amended herein, all previous conditions of zoning approved in Cases 96SN0268 and 00SN0176 shall remain in full force and effect.)

2. Post-development 2, 10 and 100 year stormwater discharge shall not exceed the predeveloped 2, 10 and 100 year stormwater discharge, respectively. (EE)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- J. <u>16SN0692</u>: In Midlothian Magisterial District, Johnson Development Association, Inc. requests rezoning from Agricultural (A) to General Business (C-5) and amendment of zoning district map on 11 acres located in the southeast corner of Midlothian Turnpike and Otterdale Woods Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Commercial District and Planned Transition Area uses. Tax IDs 721-709-7721 and 722-709-0435.
  - Mr. Jack Wilson, the applicant's representative, accepted staff's recommendation.
  - Dr. Wallin opened the floor for public comment.

Ms. Amy Satterfield, president of the Village of Midlothian Volunteer Coalition supports this case, noting the applicant worked with the community for a stronger product.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Jones, seconded by Ms. Freye, the Commission resolved to recommend approval of Case 16SN0692 and acceptance of the proffered conditions:

#### PROFFERED CONDITIONS

The property owner and applicant in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors and assigns, proffer that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

- 1. <u>Site Plan</u>. The Property shall be developed generally as shown on the Site Plan, prepared by Townes Site Engineering dated April 11, 2016, and attached as Exhibit A. (P)
- 2. <u>Uses</u>. The only permitted use is a mini-storage facility. No storage unit shall be used for office or dwelling purposes. (P)
- 3. <u>Elevations</u>. The exterior facades of the improvements on the Property shall be substantially similar to the elevations shown on Exhibits B-1, B-2 and B-3 prepared by GMF+ Associates and dated April 11, 2016. (P)
- 4. <u>Facades</u>. Vertical architectural facade features shall be continued a minimum of ten (10) feet in depth from the building facade. (P)
- 5. <u>Dedication</u>. Prior to any site plan approval, or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, fifty (50) feet of right-of-way on the east side of Otterdale Woods Road, measured from the centerline of that part of Otterdale Woods Road immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
- 6. Access.
  - a. No direct vehicular access shall be provided from the Property to Otterdale Woods Road.
  - b. Direct vehicular access from the Property to Route 60 shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)
- 7. Road Improvements. Prior to issuance of a certificate of occupancy on the Property, the following road improvements shall be completed, as determined by the Transportation Department:
  - a. Construction of an additional lane of pavement along the eastbound lanes of Route 60 for the entire Property frontage, except for pavement widening across the existing bridge area located towards the eastern property line. The exact length of this improvement shall be approved by the Transportation Department;

- b. Construction of additional pavement along the eastbound lanes of Route 60 at the approved access to provide a separate right turn lane;
- c. Construction of a sidewalk along Route 60 for the entire Property frontage, except for a sidewalk across the existing bridge area located towards the eastern property line. The exact length of this improvement shall be approved by the Transportation Department;
- d. Full cost of traffic signal modifications at the Route 60/Otterdale Woods Road intersection, if warranted, as determined by the Transportation Department; and
- e. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
- 8. <u>Drainage</u>.
  - a. Storm drainage from the impervious/developed portion of the Property shall be released into the adjacent preserved wetlands at a rate of no more than the pre development 2 year discharge rate up through the post development 100 year storm event.
  - b. All drainage facilities shall be screened from Midlothian Turnpike.
  - c. In order for its present function of holding back stormwater runoff from downstream development to be incorporated into the stormwater management program for the upland site development, the Wetland Area shown on the Site Plan Exhibit shall be maintained in perpetuity as an undisturbed vegetated area with no improvements other than driveways, utilities, and stormwater facilities. (EE)
- 9. Lighting. Light poles shall not exceed fifteen (15) feet in height. (P)
- 10. Outside Storage. There shall be no outside storage. (P)
- 11. <u>Hours of Operation</u>. The hours of operation shall be between the hours of 6:00 a.m. and 10:00 p.m. (P)
- 12. <u>Noise</u>. Uses allowed on the property shall be designed and operated so as not to generate noise levels above 55 dBa at the property line. (P)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

K. <u>16SN0693</u>: In Midlothian Magisterial District, Ryan Ferguson requests conditional use to permit a two-family dwelling and amendment of zoning district map in a Residential (R-25) District on 2.9 acres fronting 150 feet on west line of Royal Crest Drive, 95 feet north of Riverdowns South Drive. Residential use of up to 1.74 units per acre is permitted in the Residential (R-25) District. The

Comprehensive Plan suggests the property is appropriate for Low Density Residential use (maximum of 1.0 dwelling per acre). Tax ID 722-721-7869.

Mr. Ryan Ferguson, the applicant, agreed to staffs recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Jones, seconded by Ms. Freye, the Commission resolved to recommend approval of Case 16SN0693 subject to the following conditions:

#### **CONDITIONS**

- 1. Occupancy of the second dwelling unit shall be limited to: the occupants of the principal dwelling unit, individuals related to them by blood, marriage, adoption or guardianship, foster children, guests and any domestic servants. (P)
- 2. For the purpose of providing record notice, within thirty (30) days of approval of this request, a deed restriction shall be recorded setting forth the limitation in Condition 1. The deed book and page number of such restriction and a copy of the restriction as recorded shall be submitted to the Planning Department. (P)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

#### X. OTHER BUSINESS.

There was no other business discussed.

XI. <u>CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.</u>

There were no citizen comments on unscheduled matters.

#### XII. <u>ADJOURNMENT</u>.

There being no further business to come before the Commission, it was on motion of Mr. Sloan, seconded by Ms. Freye that the meeting adjourned at 6:37 p.m. to Thursday, April 21, 2016 at 9:00 a.m., in the Community Development Building, 9800 Government Center Parkway, Multi-Purpose Room, First Floor.

AYES:	Wallin, Sloar	Wallin, Sloan, Freye, Jackson and Jones.			
Cha	airman/Date		Secretary/Date		